

AN ACT

ENTITLED, An Act to require a permit of persons engaged in certain plumbing activities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 36-25-1 be amended to read as follows:

36-25-1. Terms used in this chapter mean:

- (1) "Commission," the State Plumbing Commission created by this chapter;
- (2) "Plumber," any person other than a plumbing contractor who, as that person's principal occupation, is engaged as an employee of, or otherwise working under, the direction of a plumbing contractor in the installation of plumbing, and who is lawfully qualified and registered as a plumber pursuant to the provisions of this chapter;
- (3) "Plumber's apprentice," any person other than a plumber or plumbing contractor who is engaged in working as an employee of a plumbing contractor under the immediate and personal supervision of either a plumbing contractor or plumber in learning and assisting in the installation of plumbing;
- (4) "Plumbing," the practice of, and the furnishing and the use of materials and fixtures in the installation, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with sanitary drainage or storm drainage facilities, the venting system and the public water-supply systems, within or adjacent to any building, structure, or conveyance. The term includes the installation, extension, or alterations of the storm-water, liquid waste, or sewerage and water-supply systems of any premises to their connection with any point of public disposal, or other regulated terminal;
- (5) "Plumbing contractor," any person qualified and skilled in the planning, superintending, and the practical installation of plumbing, and otherwise qualified and registered to contract for plumbing installations and conduct the business of plumbing, and familiar with

the laws and rules governing plumbing;

- (6) "Plumbing repair work," repairs to keep plumbing in an existing state including repair and replacement of faucets, valves in existing systems, repair of leaks in existing water and waste systems, replacement of damaged water closet and lavatory fixtures if it does not involve changes in rough-in, replacement of temperature and pressure relief valves on existing systems, or cleaning of sewer lines. Plumbing repair work does not include cutting into or extending water or waste lines or rough-in for new plumbing work of any kind.

Section 2. That § 36-25-17 be amended to read as follows:

36-25-17. No person may engage in plumbing for which a permit is required pursuant to § 36-25-19 on any property which is in connection with a public system of waterworks or sewerage unless that person is licensed by the commission. No license is required of a person who does the following work in compliance with the provisions of the minimum standards prescribed by the commission:

- (1) Plumbing on premises or that part of the premises owned and actually occupied by the person as the person's residence;
- (2) Plumbing repair work on premises where the person is employed and performing the plumbing repair work; or
- (3) Plumbing repair work on the person's own property.

Section 3. That chapter 36-25 be amended by adding thereto a NEW SECTION to read as follows:

Any person who provides satisfactory evidence to the commission before July 1, 2004, that the person was continually engaged for six months prior to the effective date of this Act in the business for which a license is required pursuant to § 36-25-17 in a rural area or a municipality of less than fifteen hundred population as shown by the last federal decennial census shall be licensed without examination upon payment of the fee established by the commission in a rule promulgated pursuant

to chapter 1-26. After June 30, 2004, the commission may waive certain licensing requirements for an applicant in a rural area or a municipality of less than fifteen hundred population as shown by the last federal decennial census, if the applicant passes an examination given by the commission that demonstrates that the applicant knows the laws and rules governing plumbing. Any person registered under the provisions of this section shall be restricted to performing plumbing in a rural area or a municipality of less than fifteen hundred population. The commission may, by rules promulgated pursuant to chapter 1-26, provide for a license for applicants in a rural area or a municipality of less than fifteen hundred population.

Section 4. That chapter 36-25 be amended by adding thereto a NEW SECTION to read as follows:

The commission shall provide or arrange for training programs on the plumbing code and applicable laws and rules governing plumbing for persons licensed under section 3 of this Act, except for those persons showing competency by passing a state administered plumbing examination. Each person licensed as a plumbing contractor or journeyman plumber shall receive a minimum of four hours training of potable water distribution systems and four hours training of drainage, waste, and vent systems during the first year of licensure.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1161

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1161

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State